S.B. CIVIL WRIT PETITION NO. 5506/2006

Date : 04.10.2006

HON'BLE MR. BHAGWATI PRASAD J.

Mr. B.N. Kalla for the petitioner.

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Heard.

The trial court has observed that no adverse inference can be taken for non-production of document by Gopi Ram because he is neither the plaintiff nor defendant. Under O 11 Rule 21 CPC, it is only against a party that an action can be taken for non-compliance of order to answer interrogatories, or for discovery or inspection of documents. Since the order was against Gopi Ram who was not party to the suit, the Court has observed that at this stage, suit is not liable to be dismissed. It cannot be said that any illegality has been committed which is curable under extraordinary jurisdiction of this Court. The writ petition having no force is hereby dismissed.

(BHAGWATI PRASAD), J.